



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:
Bandula Wijay

§
§ Examiner: J. Black

Filed: January 4, 1996

§
§ Art Unit: 3308

Serial No. 08/582,657

For: Flexible Stent

§
§ Docket No.: WIAY-05

Assistant Commissioner of Patents
Washington, D.C. 20231

JAN 13 1997

SUPPLEMENTAL AMENDMENT TRANSMITTAL

1. Transmitted herewith is a SUPPLEMENTAL AMENDMENT to the Office Action dated September 5, 1996, for this application.
2. Applicant is a small entity. A Verified Statement Claiming Small Entity Status was filed on January 4, 1996.
3. The fee for claims has been calculated as shown below:

	NUMBER OF CLAIMS AFTER AMENDMENT		PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE		ADDITIONAL FEE
TOTAL CLAIMS	30	-	26	=	4	X	\$11	=	\$44.00
INDEPENDENT CLAIMS	4	-	3	=	1	X	\$40	=	\$40.00
MINOR REVISIONS (CLASS. CHG.)						+	\$125	=	0
TOTAL FILING FEE									\$84.00

BSC-J007978

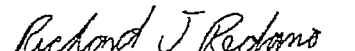
BSC-C 017112

4. A check in the amount of \$84.00 is enclosed to cover the filing of extra claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-2020. A duplicate of this document is enclosed.

Respectfully submitted,

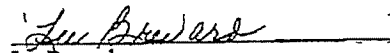
ROSENBLATT & REDANO, P.C.

December 18, 1996


Richard T. Redano
Registration No. 32,292
One Greenway Plaza, Suite 500
Houston, TX 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this paper, along with any referred to as being attached or enclosed, is being forwarded to the Assistant Commissioner of Patents, Washington, D.C. 20231, via the United States Postal Service, first class mail, postage prepaid, on this 16th day of December, 1996.


Lee Brevard

WLIAYO'S SUPPLEMENTAL AMENDMENT TRANSMITTAL

B

BSC-J007979

BSC-C 017113



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:
Bandula Wijay

Filed: January 4, 1996

Serial No. 08/582,657

For: Flexible Stent

§
§ Examiner: J. Black
§
§ Art Unit: 3308
§
§
§
§
§ Docket No.: WIJAY-05

Assistant Commissioner of Patents
Washington, D.C. 20231

SUPPLEMENTAL AMENDMENT TRANSMITTAL

1. Transmitted herewith is a SUPPLEMENTAL AMENDMENT to the Office Action dated September 5, 1996, for this application.
2. Applicant is a small entity. A Verified Statement Claiming Small Entity Status was filed on January 4, 1996.
3. The fee for claims has been calculated as shown below:

	NUMBER OF CLAIMS AFTER AMENDMENT		PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE		ADDITIONAL FEE
TOTAL CLAIMS	30	-	25	=	4	X	\$11	=	\$44.00
INDEPENDENT CLAIMS	4	-	3	=	1	X	\$40	=	\$40.00
WEALTH EFFECTIVE CLAIMS (WEC)						+	\$125	=	0
TOTAL FILING FEE									\$84.00

BSC-J007980

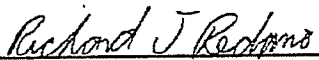
BSC-C 017114

4. A check in the amount of \$84.00 is enclosed to cover the filing of extra claims. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-2020. A duplicate of this document is enclosed.

Respectfully submitted,


ROSENBLATT & REDANO, P.C.

December 18, 1996


Richard T. Redano
Registration No. 32,292
One Greenway Plaza, Suite 500
Houston, TX 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this paper, along with any referred to as being attached or enclosed, is being forwarded to the Assistant Commissioner of Patents, Washington, D.C. 20231, via the United States Postal Service, first class mail, postage prepaid, on this 16th day of December, 1996.


Lee Brevard

WJAY05 SUPPLEMENTAL AMENDMENT TRANSMITTAL

B

BSC-J007981

BSC-C 017115



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/082,657	01/04/90	WISAI	5 WISAI-05

STEVE ROSENBLATT
 ROSENBLATT & REDANO
 ONE GREENWAY PLAZA
 SUITE 500
 HOUSTON TX 77046


33M1/0408

EXAMINER	
BURK, J	
ART UNIT	PAPER NUMBER
2502	

DATE MAILED: 04/08/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary	Application No. 08/582,657	Applicant(s) Bandula Wijay	
	Examiner John M. Black	Group Art Unit 3308	

☒ Responsive to communication(s) filed on Dec 23, 1996

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. [35 U.S.C. § 133]. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3, 5-15, and 17-32 is/are pending in the application.

Of the above, claim(s) 7 and 19 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3, 5, 6, 8-15, 17, 18, and 20-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Serial Number: 08/582,657

Page 2

Art Unit: 3308

Note: ☒ = quotations

Election/Restriction

1. This application contains claims drawn to an invention non-elected without traverse in Paper No. 6. A complete response to the final rejection must include cancellation of non-elected claims or other appropriate action (37 CFR 1.144) MPEP § 821.01.
2. Applicant's election without traverse of the embodiment of Figure 6 in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 112

3. Claims 1, 3, 5-6, 8-15, 17-18 and 20-32 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite and unclear. The Examiner has provided amended claims 1, 3, 5 and 6. The succeeding claims suffer from many of the same and more indefinite language. It is applicant's responsibility to review these claims and make the appropriate corrections to overcome all indefinite language.

Claim 1 should be amended as follows:

A stent, comprising:

BSC-J007984-77

BSC-C 017118

Serial Number: 08/582,657

Page 3

Art Unit: 3308

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having reversing bends forming an undulating pattern; and at least one elongated crosstie connecting adjacent rings, said crosstie disposed along a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein.

Claim 3 should be amended as follows:

The stent of claim 1, wherein:

a segment of said wire member having means which changes the cross sectional area adjacent at least one of said reversing bends.

Claim 5 should be amended to:

The stent of claim 3, wherein:

said means which changes the cross sectional area adjacent at least one of said reversing bends comprises opposed notches formed in the reversing bends.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

BSC-J007985

BSC-C 017119

Serial Number: 08/582,657

Page 4

Art Unit: 3308

5. Claims 1, 12-14 and 29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Pinchasik et al.

Pinchasik et al. show the invention substantially as claimed where elements 112 are crossties and elements 108 are rings as best seen in Fig. 2C.

6. Claims 1, 3, 6, 8-10, 15, 18, 20-22 and 29-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Cardon et al.

With respect to claims 1 and 29-32, Cardon et al. show the invention substantially as claimed where elements 7 are crossties and the rings are located in region 1 as best seen in Fig. 4.

With respect to claims 3, 8, 9, 15, 20 and 21, Cardon et al. show the change in cross-section in the ring segments as represented by e, e', and e" as best seen in Fig. 3.

With respect to claim 6 and 18, it appears that e is less than e' or e" as best seen in Fig. 3.

With respect to claims 10 and 22, the ring elements bend when the stent expands as best seen in Fig. 4.

BSC-J007986

BSC-C 017120

Serial Number: 08/582,657

Page 5

Art Unit: 3308

Allowable Subject Matter

7. Claims 5, 11, 17 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 27 and 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

Response to Amendment

9. Applicant's arguments filed 9 December 1997 have been fully considered but they are not persuasive.

Applicant's arguments are not commensurate with the scope of the claims. Applicant argues that the disclosed references relied upon by the Examiner teach a rigid structure created by etching a tube and that the stent of the present invention is more flexible over its length. The invention as claimed neither precludes the use of a rigid structure nor makes any mention directed to the issue of stent flexibility.

Amended claim 1 asserts that each of said plurality of rings comprises a singular wire-like member having an undulating pattern using reversing bends. Applicant further argues that the structures of the present invention and those of Pinchasik et al. and Cardon et al. can be created

BSC-J007987

BSC-C 017121

Serial Number: 08/582,657

Page 6

Art Unit: 3308

by etching a cylinder, albeit with different etching patterns. Both Pinchasik et al. and Cardon et al. show rings formed from a single wire wherein the wire has an undulating pattern with reversing bends.

Applicant argues that the wire-like member has a cross-section which changes between two reversing bends as stated in claim 3. The symbols e , e' and $e \approx e'$ do not represent reversing bends but rather the width at particular locations of the wire where $e \approx e'$ as shown in Fig. 3 and as stated in col. 3, lines 49-53. The symbol, \approx , means approximately equal. Therefore, there are cross-sectional changes between the reversing bends of the stent Cardon et al.

With respect to claim 12, Applicant states that the cross ties are non-overlapping. Applicant further argues that Pinchasik et al. show axially overlapping crossties. Claim 12 does not preclude crossties that axially overlap.

Claim 15, see the arguments pursuant to claim 3 supra.

Claim 29, both Pinchasik et al. and Cardon et al. show crossties having bends located remotely from the region where the crossties and the rings connect.

Claims 30-32, Cardon et al. show the invention as claimed including crossties having a first end circumferentially offset from a second end and having first and second ends that are in substantial longitudinal alignment with the longitudinal axis of the cylindrical shape.

BSC-J007988

BSC-C 017122

Serial Number: 08/582,657

Page 7

Art Unit: 3308

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Orth et al. 5,591,197 Stent with crossties

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

BSC-J007989

BSC-C 017123


Serial Number: 08/582,657


Page 8

Art Unit: 3308

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Black whose telephone number is (703) 305-7341.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0858.


JMB
March 27, 1997


DAVID J. ISABELLA
PRIMARY EXAMINER

BSC-J007990

BSC-C 017124

Notice of References Cited			Application No. 08/582,657		Applicant(s) Bandula Wijay	
			Examiner John M. Black		Group Art Unit 3308	
					Page 1 of 1	
U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
A	5,591,197	1/1997	Orth et al.		623	1
B						
C						
D						
E						
F						
G						
H						
I						
J						
K						
L						
M						
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						
NON-PATENT DOCUMENTS						
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
U						
V						
W						
X						

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern;

at least one cross tie connecting adjacent rings said cross tie disposed along a longitudinal axis defined by said rings, said cross tie having at least one bend formed therein;

the cross-sectional area of said wire member changes adjacent at least one of said reversing bends;

said wire member which comprises each said rings, when expanded radially outwardly, bends at said cross-sectional change location adjacent said reversing bends;

and

said reversing bends remain generally aligned to said cylindrical shape defined by said rings after radial expansion due to bending at said cross-sectional change locations.

Please cancel claim 15 in favor of claim 35.

In claim 18, line 1, remove "15" and insert — 35 — therefor.

In claim 20, line 1, remove "15" and insert — 35 — therefor.

In claim 22, line 1, remove "15" and insert — 35 — therefor.

Sub E 23. (Twice Amended) [The stent of claim 22, wherein:]

A stent, comprising:

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern;

at least one crosstie connecting adjacent rings said crosstie disposed along a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein;

said wire member having at least one straight section between said reversing bends;

the cross-section of said wire member changes in said straight section and adjacent said reversing bends;

said wire material which comprises each said rings, when expanded radially outwardly, bends at said cross-sectional change location adjacent said reversing bends;

and

said reversing bends remain generally aligned to said cylindrical shape defined by said rings after radial expansion due to bending at said cross-sectional change locations.

In claim 24, line 1, remove "15" and insert -- 35 -- therefor.

Sub E3
C3

27. (Amended) A stent, comprising:

[a plurality of rings arranged in general alignment to define a cylindrical shape;

at least one crosstie connecting adjacent rings, said crosstie disposed in general alignment with said cylindrical shape defined by said rings and having an elongated shape, with at least one bend between adjacent rings which it connects;

each said ring is made from an elongated wire-like member having an undulating pattern using reversing bends;

said wire-like member having a cross-section which changes adjacent at least one of said reversing bends; and

said change in cross-section is accomplished by at least one notch.]

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern;

at least one crosstie connecting adjacent rings said crosstie disposed along a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein;

C

the cross-sectional area of said wire member is formed having a notch adjacent at least one of said reversing bends to thereby change its cross-section.

28. (Amended) A stent, comprising:

C3 [a plurality of rings, each said ring made of a wire-like material having a plurality of reversing bends;

each adjacent pair of rings connected by at least one crosstie; and

said wire-like material changing cross-sectional area adjacent at least one of said reversing bends; and

said change in cross-section is accomplished by at least one notch.]

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having reversing bends forming an undulating pattern;

at least one crosstie connecting adjacent rings said crosstie disposed along a longitudinal axis defined by said rings; and

said wire member is formed having a notch adjacent at least one of said reversing bends which defines a change in cross-sectional area.

In claim 29, line 1, remove "1" and insert — 33 — therefor.

15 30. (Amended) [A stent, comprising] The stent of claim 33 wherein:

C4 [a plurality of rings arranged in general alignment to define a cylindrical shape having a longitudinal axis;

at least one crosstie connecting adjacent rings, said crosstie disposed in general alignment with said cylindrical shape defined by said rings and having an elongated shape;]

E said at least one crosstie comprises at least two reversing bends located remotely from ^{said ends} ~~the end connections~~ of said crosstie; and said bends define a turn of no less than about 90°.

Please add the following new claims:

sub D1 33. A stent, comprising:
C5 a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern; and

at least one crosstie connecting adjacent rings, said crosstie disposed along a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein.

34. The stent of claim 33 wherein:

-6-

27

C

BSC-J007997

BSC-C 017131

the cross-sectional area of said wire member changes adjacent at least one of said reversing bends.

Sub 5
C5

35. A stent, comprising:
a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern;
at least one crosstie connecting adjacent rings said crosstie disposed along a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein; and
said wire member having at least one straight section between said reversing bends;
the cross-section of said wire member changes in said straight section and adjacent said reversing bends.

REMARKS

Applicant has carefully reviewed the Office Action mailed April 8, 1997 and has made numerous amendments to the claims.

Claim 1 has been rewritten as claim 33 adopting the Examiner's language so as to

C

address the § 112 issues. Similar language has been adopted in other claims. The wire member is now recited as having discreet reversing bends which do not intersect with other reversing bends within the confines of each ring. Responsive to the Examiner's remarks with regard to the previous amendment, as found in paragraph 9 of the Office Action, claim 33 recites structurally a plurality of rings where each ring is made of a singular elongated wire member with discreet reversing bends which do not intersect with other reversing bends which form that ring or for that matter any other ring. Thus, in Applicant's invention, as claimed in claim 33, each ring of the plurality of rings is connected to an adjacent ring by at least one crossie.

This structure cannot be read on the two references cited: Pinchasik and Cardon. Looking first at Pinchasik, Figures 2A through 2C, the Examiner appears to be taking a unitary ring of Pinchasik made of diamonds and labeled 108 and considering only half of it while calling that a wire member having reversing bends with an undulating pattern. It is respectfully submitted that the difference between the claimed invention in claim 33 and Pinchasik is that the diamond type rings 108 used by Pinchasik are stiff. Additionally, the diamond structure is a unitary structure in Pinchasik and it is not within the teaching of this reference to take the diamond mesh ring apart so that only half of it can be called a ring as it is being done by the Examiner in taking a broad view of the Pinchasik reference. However, in order to address the Examiner's very broad view of the Pinchasik rings 108, claim 33 now recites discreet reversing bends which do not intersect.

C

with any other reversing bends. Even if the Examiner chooses to consider only half of the diamond structure 108 of Pinchasik, as the ring, it cannot meet the requirement of discreet reversing bends which do not intersect. In Pinchasik, as read by the Examiner, in order to create the diamond structure, an intersection between one reversing bend and another at every other reversing bend is required. It is this difference in structure that allows the stent of claim 33 to have greater flexibility since a ring structure of discreet reversing bends which do not intersect with other reversing bends is less constrained than the diamond mesh design shown in Pinchasik.

The Cardon reference has a similar structure in the ring area to Pinchasik.

Referring to Figures 3 and 4, again the Examiner is seemingly taking one half of an oval ring structure and considering that to be the wire member with reversing bends.

However, the same rationale that is applicable to Pinchasik is applicable to Cardon with the only difference being the use of a oval shape, instead of an diamond shape, with interconnections at every other bend. The structure of claim 33 which requires discreet reversing bends which do not intersect with other reversing bends should preclude the structure of Cardon from being read on claim 33. Again, the Cardon and Pinchasik interlocking structures in the rings using oval or diamonds represents a very rigid design which does not have the flexibility of the structure that is claimed in claim 33.

Accordingly, claim 33 and the claims dependent thereon are now respectfully submitted to be in condition for allowance.

C

Claim 15 has also been rewritten in independent form with the various amendments to address the § 112 issues raised by the Examiner. For the reasons described with regard to claim 33, claim 35 is also allowable because the claimed ring structure in claim 35 is not found in Pinchasik or Cardon. It is further submitted that the Examiner's reading of Cardon particularly with regard to the change in the cross-sectional area feature is at best strained. Cardon, column 5, line 50, indicates that the widths are intended to be substantially the same. Column 5, line 68 through column 6, line 2, indicates that depending on the width of the slots and the thickness of the tube being etched, the cross-sectional areas of e, e' and e'' will be within a certain range. There is no suggestion in this reference to have a deliberate change. In fact, the Cardon reference use of the letter e repeatedly is an indication that the dimension is desirably the same; yet, the superscripts are used to point out different parts of the stent structure from each other which are intended to have substantially the same width. The present invention as claimed in claim 35 teaches away from the Cardon reference. Claim 35 expressly requires the cross-section of the wire to change adjacent the reversing bends in the straight section. As described in the specification, the purpose of a meaningful cross-sectional change in area is to induce bending at that point. There is no disclosure in Cardon of the desirability of having different cross-sections from the point of view of the function of Cardon's stent.

The Examiner's comments with regard to Applicant's argument with regard to

claim 12 are not understood. Claim 12 claims a plurality of non-overlapping crossties.

The fact that Pinchasik shows overlapping crossties simply means that Pinchasik is not a reference that teaches what is claimed in claim 12.

The Examiner has indicated allowability of claims 5, 11, 17 and 23 as well as independent claims 27 and 28 if the § 112 issues are addressed and any intervening claims are included when the claims are rewritten. Currently, claim 5 depends on claim 27 and claim 27 has been rewritten to address the § 112 issues. Accordingly, 27 and 5 are in allowable condition. Claim 28 has also been rewritten to address the § 112 issues and is now believed to be in allowable condition, along with claim 17 which depends on it. Claim 11 has been rewritten in independent form addressing the § 112 issues and including all the intervening claims. Accordingly, claim 11 which includes the limitations of claim 10 as well as claims 3 and 1 which are now rewritten as claims 34 and 33. Claim 23 has also been rewritten in independent form to address the § 112 issues and include the limitations of claim 22 and claim 15 which is now rewritten as claim 35. Accordingly, claim 23 is in condition for allowance.

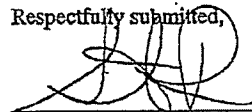
In summary, the objected to subject matter has been put into allowable condition. The rejected claims are believed to be in allowable condition in view of the recitation in claims 33 and 35 wherein each ring comprises a singular elongated member having discreet reversing bends which do not intersect with other reversing bends in combination with a crosstie having at least one bend. This structure is more flexible than Pinchasik or

Cardon whose diamond and oval structure is described as being rigid contrary to independent claims 33 and 35. The change in cross-sectional area is a feature in the claims 34 and 35 where there is a distinct teaching away from Cardon. Cardon specifically states the desirability of having substantially the same width and uses the same letter to apply to different portions of his oval ring structure. The use of superscripts indicates different points along the oval ring structure, but the use of the same small case letter e indicates Cardon's desire to have all of these be the same. For a given tube thickness, Cardon teaches that the uncut metal parts which are left over after the slots have been cut are desirably all the same. The cross-sectional area can change as between one stent and another stent if a thicker tube is used or a different dimension is used for the width of the slots being cut out. However, for a given stent e, e' and e'' are taught to be identical within manufacturing tolerances. That is not the same as a cross-sectional change as claimed. In fact, it is the opposite.

With regard to claims 7 and 19, Applicant believes there are generic claims allowable in this case which do not warrant claim 7 and 19 being cancelled as directed to an unselected invention. However, should the Examiner interpret the situation differently, the Examiner is authorized to cancel claims 7 and 19 to the extent necessary to secure

allowance. Again, Applicant is of the opinion no such cancellation is required in view of the pendency of generic claims that are allowable in this case.

Respectfully submitted,

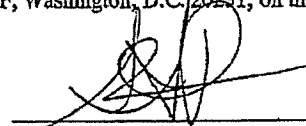


Date: June 6, 1997

Steve Rosenblatt
Registration No. 30,799
ROSENBLATT & REDANO, P.C.
One Greenway Plaza, Suite 500
Houston, Texas 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Attn: Box AF, Washington, D.C. 20231, on this 6th day of June, 1997.



Steve Rosenblatt

WIAVVS AMENDMENT AFTER FINAL

C



Inventor: Appellant:
Bandula Wijaya

Filed: January 4, 1996

Serial No. 08/582,657

For: Flexible Stent

Attn: Box AF
Assistant Commissioner of Patents
Washington, D.C. 20231

UNITED STATES PATENT AND TRADEMARK OFFICE

Box AF

Examiner: J. Black

Art Unit: 3308

Docket No.: WIJAY-05

RECEIVED

JUN 12 1997

GROUP 3300

AMENDMENT TRANSMITTAL

1. Transmitted herewith is the Amendment After Final Rejection dated April 8, 1997, for this application.
2. Applicant is a small entity. A Verified Statement Claiming Small Entity Status was filed on January 4, 1996.
3. The fee for claims has been calculated as shown below:

	NUMBER OF CLAIMS AFTER AMENDMENT	PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	29	26	3	X \$11	\$ 33.00
INDEPENDENT CLAIMS	7	4	3	X \$40	\$120.00
MINIMUM INDEPENDENT CLAIMS FEE				+ \$125	0
TOTAL FILING FEE					\$153.00

BSC-J008005


BSC-C 017139

4. The Commissioner is authorized to charge the \$153.00 fee associated with this communication to Deposit Account No. 18-2020. A duplicate of this sheet is enclosed.
5. The Commissioner is authorized to charge any underpayment or credit any overpayment associated with this communication to Deposit Account No. 18-2020. A duplicate of this sheet is enclosed.

Respectfully submitted,

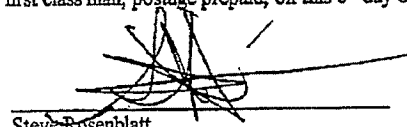
ROSENBLATT & REDANO, P.C.

Date: June 6, 1997.


Steve Rosenblatt
Registration No. 30,799
One Greenway Plaza, Suite 500
Houston, TX 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this paper, along with any referred to as being attached or enclosed, is being forwarded to the Assistant Commissioner of Patents, Attn: Box AF, Washington, D.C. 20231, via the United States Postal Service, first class mail, postage prepaid, on this 6th day of June, 1997.


Steve Rosenblatt

WJAY05 AMENDMENT TRANSMITTALVee

C
BSC-J008006

BSC-C 017140



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

08/582,657

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/582,657	01/04/96	WIJAY	B WIJAY-05

STEVE ROSENBLATT
ROSENBLATT & REDANO
ONE GREENWAY PLAZA
SUITE 500
HOUSTON TX 77046

33M1/0623

EXAMINER	
BLACK, J	
ART UNIT	PAPER NUMBER
3308	10

DATE MAILED: 06/23/97

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run 3 mo. from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.
- Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).☒ Applicant's response to the final rejection, filed 6-9-97 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - ☒ They raise new issues that would require further consideration and/or search. (See Note).
 - ☐ They raise the issue of new matter. (See Note).
 - ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: The new limitation "discrete reversing bands which do not interact with other reversing bands" would require a new consideration. It may even require a new search. Figure 3-6 in Oath et al. (5,591,197) appears to read on the claims.

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1, 2, 5, 6, 8-15, 17, 18, 20-32

However,

☐ Applicant's response has overcome the following rejection(s): _____

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other _____

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
GROUP 3300

PCL 309 (REV. 5-86)

BSC-J008007

BSC-C 017141



UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

SERIAL NUMBER 2	FILING DATE 04/96	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
			B WIJAY-US

STEVE ROSENBLATT
 ROSENBLATT & REDANO
 ONE GREENWAY PLAZA
 SUITE 500
 HOUSTON TX 77046

33M1/1112

EXAMINER	
BLACK, J	
ART UNIT	PAPER NUMBER
3308	

DATE MAILED: 11/12/97

Please find below a communication from the EXAMINER in charge of this application:

Commissioner of Patents

Notice of Abandonment	Application No. 08/582,657	Applicant(s) Bandula Wajay
	Examiner John M. Black	Group Art Unit 3308

This application is abandoned in view of:

☒ applicant's failure to timely file a proper response to the Office letter mailed on Apr 8, 1997.

☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

☒ A proposed response was received on Jun 9, 1997, but it does not constitute a proper response to the final rejection.
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).

☐ No response has been received.

☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

☐ The issue fee has not been received.

☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

☐ The proposed new formal drawings filed _____ are not acceptable.

☐ No proposed new formal drawings have been received.

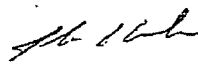
☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.

☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(e)) upon the filing of a continuing application.

☐ the decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ the reason(s) below:


JOHN G. WEISS
 SUPERVISORY PATENT EXAMINER
 GROUP 3300

PATENT APPLICATION FEE DETERMINATION RECORD				Application or Docket Number	
Effective October 1, 1996				08883801	
CLAIMS AS FILED - PART I				OTHER THAN SMALL ENTITY -	
(Column 1)		(Column 2)			
FOR	NUMBER FILED	NUMBER EXTRA		RATE	FEE
BASIC FEE					385.00
TOTAL CLAIMS	29 minus 20 =	9		x\$11=	99
INDEPENDENT CLAIMS	6 minus 3 =	3		x40=	120
MULTIPLE DEPENDENT CLAIM PRESENT				+130=	
* If the difference in column 1 is less than zero, enter "0" in column 2				TOTAL	604
CLAIMS AS AMENDED - PART II				OTHER THAN SMALL ENTITY	
(Column 1)		(Column 2)	(Column 3)		
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total	29	29	=	x\$11=	78
Independent	5	6	= 2	x40=	78
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+130=	
TOTAL ADDIT. FEE				78	
(Column 1)		(Column 2)	(Column 3)		
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total			=	x\$11=	
Independent			=	x40=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+130=	
TOTAL ADDIT. FEE					
(Column 1)		(Column 2)	(Column 3)		
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total			=	x\$11=	
Independent			=	x40=	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				+130=	
TOTAL ADDIT. FEE					

If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 If the Highest Number Previously Paid For in THIS SPACE is less than 20, enter "20."
 If the Highest Number Previously Paid For in THIS SPACE is less than 3, enter "3."
 The Highest Number Previously Paid For (Total or Independent) is the highest number found in the appropriate box in column 1.

P.O. Box 376

NEW YORK, NY 10108

U.S. Government Printing Office: 1996 - 419-269/49181

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

BSC-J008010

BSC-C 017144

59227 U.S. PTO
08/883801
06/27/97

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

06/27/97 (FEE) 000000 000000
01 FEE 25.00
02 FEE 125.00
03 FEE 75.00

PTO-1556
(5/87)

BSC-J008011

BSC-C 017145

66902 U.S. PTO
06/27/97

604-01 201 A KW

5027 U.S. PTO
08/883801
06/27/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: WIJAY-12

Anticipated Classification of this application:
Class: Subclass:

#12/Pne
D

Prior Application:
Examiner: John M. Black
Art Unit: 3308

BOX FWC
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL

I. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a continuation.

A. Application Serial No. 08/582,652 filed on January 4, 1996.

B. Title: Flexible Stent

C. Name of applicant as originally filed:

Bandula Wijay
1903 Carriage Creek Drive
Friendswood, Texas 77546
(a citizen of the United States)

(Applicants have not been amended)

The above-identified application, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 2 OF 5

D

BSC-J008012

BSC-C 017146

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

- II. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

The inventorship for all the claims in this application are the same.

- III. A Declaration or oath is not required.

- IV. The fees to be charged are to be based on the number of claims remaining as a result of the attached preliminary amendment.

- V. Fee Calculation

	Number Filed			Number Extra		Rate		Basic Fee (37 C.F.R. 1.16(e) \$325
Total Claims	29	-	20	=	9	x	\$11	= 99
Independent Claims	8	-	3	=	3	x	\$40	= 120
Multiple Dependent Claims (if any)						+	\$130	0
Total Filing Fee								\$204

- VI. Status as a small entity was claimed in the prior application 08/582,657, filed on January 4, 1996, from which benefit is being claimed for this application.

- VII. Enclosed is a check in the amount of \$604 for the filing fee.

VIII. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Deposit Account No. 18-2020.

- 37 CFR 1.16 (filing fees)
- 37 CFR 1.16 (presentation of extra claims)
- 37 CFR 1.16 (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR 1.17 (application processing fees)

A duplicate of this request is attached.

IX. Please credit any overpayment to Deposit Account No. 18-2020.

X. Amend the specification by inserting, before the first line, the sentence:

"This application is a continuation of copending application Serial No. 08/582,657, filed on January 4, 1996."

XI. The power of attorney in the prior application is to Steve Rosenblatt, registration number 30,799. The power appears in the original papers in the prior application.

Address all future communication to:

Steve Rosenblatt
Rosenblatt & Redano, P.C.
One Greenway Plaza, Suite 500
Houston, Texas 77046
Phone: (713) 552-9900
Fax: (713) 552-0109

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 4 OF 5

28

D

BSC-J008014

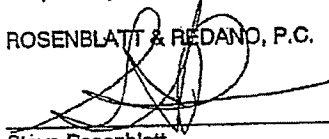
BSC-C 017148

- XII. Please abandon the prior application at a time while the prior application is pending and when this application is granted a filing date as to make this application copending with said prior application.

Respectfully submitted,

ROSENBLATT & REDANO, P.C.

Date


Steve Rosenblatt
Registration No. 30,799
One Greenway Plaza, Suite 500
Houston, Texas 77046
Houston, Texas 77057
(713) 552-9900

Attorney of record

wjey/tz two transmitted by

08883801-052797

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 5 OF 5

D

BSC-J008015

BSC-C 017149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BANDULA WIJAY	§	
Serial No:		§	Group Art Unit 3308
Filed:	Of even date herewith	§	Examiner: J. Black
For:	FLEXIBLE STENT	§	Atty Docket: WIJAY-12

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D. C. 20231

Dear Sir:

Please make the following amendments:

In the Claims:

33. (Amended) A stent, comprising:
a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern; and
a least one cross tie having ends connecting adjacent rings, said cross tie disposed along a longitudinal axis defined by said rings, said cross tie having at least one bend formed [therein] between said ends to allow said cross tie to flex, as said rings expand while remaining within the confines of said cylindrical shape.

REMARKS

Applicant has filed this file wrapper continuation to continue prosecution from the previous application, Serial No. 08/582,657. In further response to the Examiner's notes in the Advisory Action mailed June 23, 1997, Applicant has

BSC-J008016

BSC-C 017150

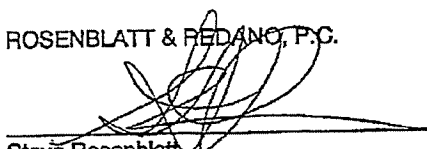
00000001 062797

amended claim 33 to indicate that the crosstie has ends and the bend is formed between the ends so that the crosstie can flex as the rings are expanded while remaining within the confines of the cylindrical shape defined by the rings. This structure does not appear in *Orth* '197. *Orth* uses notches 21 in his crossties, as shown in figures 3 and 4a, so that when bent, the crossties form barbs which extend out of the cylindrical shape defined by the rings. The crosstie claimed in claim 33 is structurally distinguishable as it has a bend in between its ends, which the *Orth* design does not have until it is actually expanded. The *Orth* design has straight crossties, as shown in figure 3, which under an expansion force to the stent bend at notch 21 to create barbs outside the cylindrical shape defined by the rings 13. The flexible crossties in claim 33 not only have a different structure but as a result of that different structure are able to accommodate the flexing as needed when the rings expand, while at the same time remaining within the confines of the cylindrical shape defined by the rings. As to the rest of the claims, none have the features of a cross-sectional area change in the ring structure for the purposes as described in the specification. It is respectfully submitted that all of the pending claims are novel over *Orth* to the extent the Examiner is suggesting in the Advisory Action that *Orth* anticipates all the pending claims. Allowance of all the claims is respectfully requested.

Respectfully submitted,

ROSENBLATT & REDANO, P.C.

6/27/97
Date


Steve Rosenblatt
Registration No. 30,799
One Greenway Plaza, Suite 500
Houston, TX 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

wjy:12 preliminary amendment.wpd ss

D

BSC-J008017

BSC-C 017151

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: WIJAY-12

Anticipated Classification of this application:
Class: Subclass:

Prior Application:
Examiner: John M. Black
Art Unit: 3308

BOX FWC
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this FWC transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this 27 day of June, 1997, in an envelope as "Express Mail, Post Office to Addressee", mailing label number EM370352740US addressed to: Box FWC, Assistant Commissioner for Patents, Washington, D.C. 20231.


Steve Rosenblatt

ROSENBLATT & REDANO, P.C.
One Greenway Plaza, Suite 500
Houston, Texas 77046
(713) 552-9900

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 1 OF 6

BSC-J008018

BSC-C 017152

59227 U.S. PTO
08/883801
06/27/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: WIJAY-12

Anticipated Classification of this application:
Class: Subclass:

Prior Application:
Examiner: John M. Black
Art Unit: 3308

BOX FWC
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

FILE WRAPPER CONTINUING APPLICATION (FWC) TRANSMITTAL

- I. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a continuation.
 - A. Application Serial No. 08/582,657 filed on January 4, 1996.
 - B. Title: Flexible Stent
 - C. Name of applicant as originally filed:
Bandula Wijay
1903 Carriage Creek Drive
Friendswood, Texas 77546
(a citizen of the United States)

(Applicants have not been amended)

The above-identified application, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 2 OF 5

BSC-J008019

BSC-C 017153

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

- II. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.

The inventorship for all the claims in this application are the same.

- III. A Declaration or oath is not required.

- IV. The fees to be charged are to be based on the number of claims remaining as a result of the attached preliminary amendment.

V. Fee Calculation

	Number Filed				Number Extra				Rate	Basic Fee (37 C.F.R. 1.18(a) \$385)			
Total Claims	29	-	20	=	9	x	\$11	=	\$99				
Independent Claims	8	-	3	=	3	x	\$40	=	120				
Multiple Dependent Claims (if any)						+	\$130		0				
Total Filing Fee													\$604

- VI. Status as a small entity was claimed in the prior application 08/582,657, filed on January 4, 1996, from which benefit is being claimed for this application.

- VII. Enclosed is a check in the amount of \$604 for the filing fee.

VIII. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Deposit Account No. 18-2020.

- 37 CFR 1.16 (filing fees)
- 37 CFR 1.16 (presentation of extra claims)
- 37 CFR 1.16 (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR 1.17 (application processing fees)

A duplicate of this request is attached.

IX. Please credit any overpayment to Deposit Account No. 18-2020.

X. Amend the specification by inserting, before the first line, the sentence:

"This application is a continuation of copending application Serial No. 08/582,657, filed on January 4, 1996."

XI. The power of attorney in the prior application is to Steve Rosenblatt, registration number 30,799. The power appears in the original papers in the prior application.

Address all future communication to:

Steve Rosenblatt
Rosenblatt & Redano, P.C.
One Greenway Plaza, Suite 500
Houston, Texas 77046
Phone: (713) 552-9900
Fax: (713) 552-0109

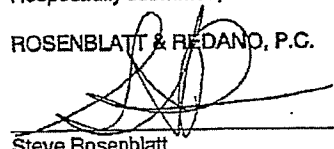
- XII. Please abandon the prior application at a time while the prior application is pending and when this application is granted a filing date as to make this application copending with said prior application.

Date

5/27/97

Respectfully submitted,

ROSENBLATT & REDANO, P.C.


Steve Rosenblatt
Registration No. 30,799
One Greenway Plaza, Suite 500
Houston, Texas 77046
Houston, Texas 77057
(713) 552-9900

Attorney of record

wjey/12 rec transmittal to

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 5 OF 5

BSC-J008022

BSC-C 017156

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: WIJAY-12

Anticipated Classification of this application:

Class: Subclass:

Prior Application:

Examiner: John M. Black

Art Unit: 3308

BOX FWC
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this FWC transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this 27 day of JUNE, 1997, in an envelope as "Express Mail, Post Office to Addressee", mailing label number EM370352740US addressed to: Box FWC, Assistant Commissioner for Patents, Washington, D.C. 20231.


Steve Rosenblatt

ROSENBLATT & REDANO, P.C.
One Greenway Plaza, Suite 500
Houston, Texas 77046
(713) 552-8900

FILE WRAPPER CONTINUING APPLICATION TRANSMITTAL

PAGE 1 OF 5

BSC-J008023

BSC-C 017157



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, DC 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/883,801	06/27/97	WIJAY	B WIJAY-12

STEVE ROSENBLATT
 ROSENBLATT & REDANO
 ONE GREENWAY PLAZA
 SUITE 500
 HOUSTON TX 77046

QMS1/0918

EXAMINER


BLACK, J

ART UNIT	PAPER NUMBER
3738	1F/3

DATE MAILED: 09/18/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/883,803	Applicant(s) Wiley	
	Examiner John M. Bleck	Group Art Unit 3738	

☒ Responsive to communication(s) filed on Jun 27, 1997.

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s); or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 5-14 and 17-35 is/are pending in the application.

Of the above, claim(s) 7 and 19 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 5, 6, 8-14, 17, 18, and 20-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(e)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Serial Number: 08/883,801

Page 2

Art Unit: 3738

Claim Rejections - 35 USC § 112

1. Claims 5-6, 8-14, 17-18 and 20-35 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite and unclear. The Examiner has provided amended claim 34. Some of the claims dependency requires correction. See claim 8 and 12. The succeeding claims suffer from many of the same and more indefinite language. It is applicant's responsibility to review these claims and make the appropriate corrections to overcome all indefinite language.

Claim 5 should be amended to:

—The start of claim 27, wherein:

the wire member is formed having opposed notches wherein the cross-sectional area of the wire member changes at a notch location; said notches are located adjacent at least one of said reversing bends.—

With respect to claims 6 and 8-10, "said wire-like member" lacks antecedent basis.

With respect to claim 10, "said cross-sectional change location" lacks antecedent basis.

With respect to claim 11, line 9, "the cross-sectional area" lacks antecedent basis. See suggested amended claim 33 below. In line 12, "said cross-sectional change location" lacks antecedent basis.

BSC-J008026

BSC-C 017160

Serial Number: 08/883,801

Page 3

Art Unit: 3738

With respect to claim 17, "said change in cross section" lacks antecedent basis. Applicant is advised to amend the claim to read, --said change in cross sectional area-- to be consistent with claim 28.

With respect to claims 20-22, "said wire-like material" lacks antecedent basis.

With respect to claim 23, line 11, "the cross-section", line 13, "said wire material", and line 14, "said cross-sectional change location" lack antecedent basis. With respect to lines 11-12, see suggested amended claim 33 below.

With respect to claim 24, it is unclear what Applicant intends to claim. Does Applicant mean the claim to read, --A stent of claim 35, further comprising a plurality of non-overlapping cross-ties each having at least two bends.--?

With respect to claim 27, lines 9 and 10, "the cross-sectional area" lacks antecedent basis; the pronoun "its" is improperly used. These last two lines are unclear. It appears from the drawings that the wire member is formed having a notch rather than the cross-sectional area. Applicant is advised to amend lines 9 and 10 as follows: delete lines 9 and 10 and replace with --said wire member is formed having a notch wherein the cross-sectional area of the wire member changes at a notch location; said notch is located adjacent at least one of said reversing bends.--

With respect to claim 28, line 5, after "rings", insert --wherein--; before "disposed", insert --is--.

With respect to claims 29 and 30, "the end connections" lack antecedent basis.

BSC-J008027

BSC-C 017161

Serial Number: 08/883,801

Page 4

Art Unit: 3738

With respect to claim 32, it is unclear what Applicant means by "first and second ends up to said bends".

With respect to claim 33, line 6, "a" should be --at--.

Claim 34 should be amended as follows:

--The stent of claim 33, wherein:

a segment of said wire member having means which changes the cross sectional area adjacent at least one of said reversing bends.--

With respect to claim 35, line 11, "the cross-section" lacks antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 6, 8-10, 11-13, 18, 20-25, 29, 30, 32 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Israel et al. (5,733,303).

Israel et al. show a stent having several rings formed into a sinusoidal pattern having reversing bends and straight sections as best seen in Figs. 4, 7 and 8. The cross sectional changes

BSC-J008028

BSC-C 017162

Serial Number: 08/883,801

Page 5

Art Unit: 3738

are best seen in Fig. 4 where the cross section is greater in the reversing bend section of the rings and smaller in the straight section of the rings.

4. Claims 12, 13, 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Globerman (5,776,161).

Globerman shows a stent having several rings formed into a sinusoidal pattern having reversing bends and straight sections. The rings are connected by crossbars 35 wherein the crossbars have at least one reversing bend. See Fig. 16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. as applied to claims 12, 13, 24, 25, 30, 33 and 35 above, and further in view of Pinchasik et al. (5,449,373).

Israel et al. show a stent having crossbars that connect distinct rings. Israel et al fail to show or teach the crossbars connected to a next adjacent circumferentially offset reversing bend on an adjacent ring. Pinchasik et al. show crossbars connecting next adjacent circumferentially

BSC-J008029

BSC-C 017163

Serial Number: 08/883,801

Page 6

Art Unit: 3738

offset reversing bends of adjacent rings as best seen in Figs. 2A - 2C. It would have been obvious to one of ordinary skill in the art at the time of the invention to connect the rings of Ismel et al in the fashion taught by Pinchasik et al in order to manufacture a stent providing continuous and uniform support to both straight and curved portions of a bodily conduit.

Allowable Subject Matter

7. Claims 5, 17, 27 and 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fischell et al.	5,697,971	Undulating rings with crossties
Frantzen	5,746,691	Undulating rings with crossties
Jayaraman	5,755,781	Stent with crossties
Kanesaka et al	5,776,183	Stent with crossties

BSC-J008030

BSC-C 017164

Serial Number: 08/883,801

Page 7

Art Unit: 3738

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Black whose telephone number is (703) 305-7341.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0858.

JMB

September 14, 1998


Mickey Yu
Supervisory Patent Examiner
Group 3700

BSC-J008031

BSC-C 017165

Notice of References Cited			Application No. 08/883,804		Applicant(s) Wijay	
			Examiner John M. Black		Group Art Unit 3738	
					Page 1 of 1	
U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
A	5,733,303	3/1998	Iserael et al.	623	1	
B	5,776,161	7/1998	Globerman	623	1	
C	5,687,971	12/1997	Fischell et al.	623	12	
D	5,748,691	5/1998	Frantzen	623	1	
E	5,755,781	5/1998	Jayaraman	623	1	
F	5,776,163	7/1998	Kanesaka et al.	606	195	
G						
H						
I						
J						
K						
L						
M						
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						
NON-PATENT DOCUMENTS						
	DOCUMENT (including Author, Title, Source, and Relevant Pages)					DATE
U						
V						
W						
X						



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

613720#

3-25-99
#14

Applicant: Bandula Wijay

\$
\$
\$
\$
\$
\$
\$

Examiner: J. Black

Serial No: 08/883,801

Group Art Unit: 3738

Date Filed: June 27, 1997

Docket No: **RECEIVED**

Title: Flexible Stent

MAR 25 1999

Assistant Commissioner of Patents
Washington, D. C. 20231

Group 3700

**PETITION AND FEE FOR EXTENSION OF TIME TO MAINTAIN
PARENT CASE THAT IS TO BE ABANDONED WHEN FILING
NEW APPLICATION CLAIMING ITS BENEFIT**

1. This is a petition under 37 C.F.R. § 1.136(a) for an extension of time to respond to the Office Action mailed December 18, 1998.
2. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with the application.
3. Applicant is a small entity. The statement is already filed in the parent application. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.
4. Application petitions for extension of time for the total of three months. If any additional extension of time is required, please consider this a petition therefor.
5. Enclosed is a check in the amount of \$435. If any additional extension and/or fee is required, charge Account No. 18-2020.

03/23/1999 AIBRAHIN 00000045 08883801


01 FC:217

435.00 DP

Respectfully submitted,

ROSENBLATT & REDANO, P.C.

March 18, 1999


Steve Rosenblatt
Reg. No. 30,799
One Greenway Plaza, Suite 500
Houston, TX 77046
(713) 552-9900

BSC-J008033

BSC-C 017167



CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this paper, along with any referred to as being attached is being deposited with the United States Postal Service in an envelope as "Express Mail Post-Office to addressee" Mailing Label Number EL265782664US addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on March 18, 1999.


Steve Rosenblatt

wjry112 extension 11

BSC-J008034

BSC-C 017168



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/883,801	06/27/97	WIJAY	B WIJAY-12

STEVE ROSENBLATT
ROSENBLATT & REDANO
ONE GREENWAY PLAZA
SUITE 500
HOUSTON TX 77046

QM12/0730

EXAMINER

KOH, C

ART UNIT	PAPER NUMBER
----------	--------------

3738

DATE MAILED: 07/30/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Abandonment	Application No. 08/883,801	Applicant(s) Wijey
	Examiner Cheon P. Koh	Group Art Unit 3738

This application is abandoned in view of:

☐ applicant's failure to timely file a proper response to the Office letter mailed on _____.

☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.

☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).

☐ No response has been received.

☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.

☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.

☐ The issue fee has not been received.

☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.

☐ The proposed new formal drawings filed _____ are not acceptable.

☐ No proposed new formal drawings have been received.

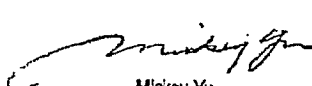
☒ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on Mar 18, 1999.

☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

☐ the decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ the reason(s) below:


 Mickey Yu
 Supervisory Patent Examiner
 Group 3700



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Bandula Wijay

Serial No.: 08/883,801

Examiner: Choon P. Koh

Filed: March 18, 1999 -

Group Art Unit: 3738

For: FLEXIBLE STENT

CHANGE OF CORRESPONDENCE ADDRESS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant requests that all further correspondence in the subject patent application be
directed to:

Steve Rosenblatt, Esq.
Duane, Morris & Heckscher LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1280

Date: 10/20/99

Respectfully submitted,

Steve Rosenblatt
Registration No. 30,799
Duane, Morris & Heckscher LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1280

RECEIVED
OCT 27 1999
TC 3700 MAIL ROOM

Docket No.: D5446-11 (WIAY-12)

BSC-J008037

BSC-C 017171



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Bandula Wijay

Serial No. 08/883,801-

Group Art Unit 3738

Filed: March 18, 1999

Examiner: Choon P. Koh

For: FLEXIBLE STENT

CERTIFICATE UNDER 37 CFR 1.8(a)
 I HEREBY CERTIFY THAT THIS
 CORRESPONDENCE IS BEING DEPOSITED
 WITH THE UNITED STATES POSTAL SERVICE
 AS FIRST CLASS MAIL IN AN ENVELOPE
 ADDRESSED TO ASSISTANT COMMISSIONER
 FOR PATENTS, WASHINGTON, D.C. 20231.

BY [Signature]REG. NO. 10-20-99DATE 10-20-99

PRELIMINARY AMENDMENT

Further to the CPA filing in this case which occurred on March 18, 1999 please make the following amendments:

IN THE CLAIMS

5. (Amended) The stent of claim 27, wherein:

said change in cross-section in said wire member is accomplished by opposed notches thereon located adjacent at least one of said reversing bends.

In claim 6 line 2 remove "-like".

In claim 8 line 1 remove "34" and insert --33-- in its place.

In claim 8 line 2 remove "-like".

In claim 9 line 2 remove "-like".

In claim 10 line 1 remove "34" and insert --33-- in its place.

01/13/2004 RECEIVED

01 FILED

In claim 10 line 2 remove "-like".

RECEIVED
 OCT 27 1999
 TC 3700 MAIL ROOM

/ 11. (Amended) A stent comprising:

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not

intersect with other reversing bends and at least two cross-sectional areas identified by at least one cross-sectional change location, said wire member forming an undulating pattern;

at least one crosstie connecting adjacent rings said crosstie disposed [along] in general alignment with a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein;

the cross-sectional area of said wire member changes adjacent at least one of said reversing bends;

said wire member which comprises each said rings, when expanded radially outwardly, bends at said cross-sectional change location adjacent said reversing bends; and

said reversing bends remain generally aligned to said cylindrical shape defined by said rings after radial expansion due to bending at said cross-sectional change locations.

In claim 12 line 1 remove "1" and insert --33-- therefore.

In claim 17 line 2 remove "cross-section" and insert --cross-sectional area-- in its place.

In claim 20 line 2 remove "-like material" and insert --member-- therefore.

In claim 21 line 2 remove "-like material" and insert --member-- in its place.

In claim 22 line 2 remove "-like material" and insert --member-- in its place.

23.(Amended) A stent, comprising:

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not

intersect with other reversing bends, and at least two cross-sectional areas defined by at least one cross-sectional change location, said wire member forming an undulating pattern;

at least one crosstie connecting adjacent rings said crosstie disposed [along] in general alignment with a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein;

E2 said wire member having at least one straight section between said reversing bends;
the cross[-section] sectional area of said wire member changes in said straight section and adjacent said reversing bends;

said wire [material] member which comprises each said rings, when expanded radially outwardly, bends at said cross-sectional change location adjacent said reversing bends; and

said reversing bends remain generally aligned to said cylindrical shape defined by said rings after radial expansion due to bending at said cross-sectional change locations.

E3 In claim 24 line 1 remove "wherein" and insert --further comprising-- in its place.

3/27 (Amended) A stent, comprising:

E3 a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern, said wire member having at least one cross-sectional area;

at least one crosstie connecting adjacent rings said crosstie disposed [along] in general alignment with a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein;

[the cross-sectional area of said wire member is formed having a notch adjacent at least one of said reversing bends to thereby change its cross-section.] the wire member is formed having a notch wherein the cross-sectional area of the wire member changes at a notch location;
said notch is located adjacent at least one of said reversing bends.

E3 5/28.(Amended) A stent, comprising:

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having reversing bends forming an undulating pattern;

at least one crosstie connecting adjacent rings wherein said crosstie is disposed [along] in general alignment with a longitudinal axis defined by said rings; and

said wire member is formed having a notch adjacent at least one of said reversing bends which defines a change in cross-sectional area.

In claim 29 line 3 remove "the end connections" and insert --said ends-- in its place.

In claim 30 line 3 remove "the end connections" and insert --said ends-- in its place.

17/ 32.(Amended) The stent of claim 30, wherein

that portion of said crossties extending between said first and second ends and up to said bends of said crosstie are in substantial longitudinal alignment with the longitudinal axis of said cylindrical shape.

1/ 33.(Amended) A stent, comprising:

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends, said wire member forming an undulating pattern; and having at least two cross-sectional areas identified by at least one cross-sectional change location; and

at least one cross-tie having said connecting adjacent rings said crosstie disposed [along] in general alignment with a longitudinal axis defined by said rings, said crosstie having at least one bend formed between said ends to allow said crosstie to flex as said rings expand while remaining within the confines of said cylindrical shape; and

the cross-sectional area of said wire member changes adjacent at least one of said reversing bends.

Please cancel claim 34 without prejudice.

19 35 (Amended) A stent, comprising:

a plurality of rings arranged in general alignment to define a cylindrical shape, each ring comprises a singular elongated wire member having discrete reversing bends which do not intersect with other reversing bends; said wire member forming an undulating pattern and having at least one cross-section:

at least one crosstie connecting adjacent rings said crosstie disposed {along} in general alignment with a longitudinal axis defined by said rings, said crosstie having at least one bend formed therein; and

said wire member having at least one straight section between said reversing bends;

the cross-section of said wire member changes in said straight section and adjacent said reversing bends.

REMARKS

Applicants have carefully reviewed the office action mailed September 18, 1998 in the preceding filing which was initially filed on June 27, 1997. Responsive to that office action applicants have made extensive revisions to the claims to respond to the extensive §112 rejections. With regard to paragraph 1 of the office action claim 5 has been amended to indicate that the change in cross-section in the wire member accomplished by opposed notches on the wire member which are located adjacent at least one of the reversing bends. While the exact language suggested by the Examiner as to claim 5 has not been adopted, it is believed that the proposed language is sum and substance the same change. Claim 6 and 8 through 10 have been

corrected to refer to wire member for proper antecedent. The dependency of claims 8 and 10 have been changed to claim 33 in view of a combination of claims 33 and 34 and cancellation of claim 34.

Claim 11 has been amended to include all the antecedents indicated by the Examiner. The reference in claim 17 has been changed to the cross-sectional area for antecedent purposes. Claim 20 has been changed to refer to the wire member as have claims 21 and 22. The requested antecedents have been inserted into claim 23. The Examiner's suggestion as to lines 10 and 11 of claim 23 as well as claim 33 which repeats that language is respectfully traversed. In claim 23 line 11 the reference has been changed to cross-sectional area and the claim is currently structural and definite and indicates to a person of ordinary skill in art that the cross-sectional area of the wire member changes in the straight section in a location which is adjacent to the reversing bends. Applicant fails to see where this language is indefinite.

The reference in claim 24 has been changed to further comprising for clarity. Antecedents have been provided in claim 27 as requested and the last two lines have been rewritten as suggested by the Examiner. The Examiner's suggestion as to claim 28 has been adopted. Proper antecedent has been put into claims 29 and 30 by changing the reference from the end connections to said ends. Additional language has been added to claim 32 to provide context of a definition of the segment of the crosstie which is being referred to. Antecedents have been placed into claim 33 and claim 33 has been amended to add the substance of claim 34. Antecedents have also been added into claim 35 as requested. Additionally, the independent claims have been amended to indicate the location of the crossties as being in general alignment with the longitudinal axis defined by the rings. Since the stent structure is cylindrical the

E

longitudinal axis of the rings is in the center of the rings. Thus for clarity since the crossties are part of the stent structure the amendment was made as to where the crossties are disposed with respect to the longitudinal axis of the structure of the stent which is formed by the rings.

The Examiner uses the Israel reference to reject independent claims 11, 23, 33 and 35. The examiner also rejects independent claim 33 in view of Globerman. All the independent claims which are now rejected over prior art have a common feature of a cross-sectional change of the wire member in a straight section adjacent the reversing bend. The Examiner principally looks to Figures 4, 7 and 8 of Israel to take the position that the cross-section is greater in the reversing bend section of the rings and smaller in the straight section of the rings. To do this the Examiner relies on Figure 4 which is a perspective drawing of the stent in its expanded condition. The actual patterns in the stent are described in the specification as shown in figure 2. It should first be noted that the Examiner is not permitted to scale drawings from prior art references. The Examiner must rely on text in the specification which gives the relative proportions of the members which the Examiner is reading from the drawing. Here the Examiner points to no line in the specification to support the conclusion that there are any cross-sectional changes. The examiner neglects to take into account that a perspective drawing such as Figure 4 can skew the relative sizes of the members because they are part of a cylindrical structure and thus are oriented from the point from which the perspective is drawn in different orientations. This could give members that have the same thickness the appearance of being thinner as is precisely the case in Figure 4. When the structure of the Israel stent is spread out on a flat surface as it is in Figure 2 it can be readily seen that all the members are of the exact same thickness. This presupposes that one were allowed to actually scale the Figure 2 drawing. As


E

long as the Examiner is engaging in scaling of drawings from the prior art then the proper figure is Figure 2 because it does not present the distortions of a perspective view. There's simply no discussion in Israel's specification of any appreciation to change the cross-sectional area adjacent a reversing bend as claimed in the independent claims rejected. It is thus respectfully submitted that all of the rejected independent claims are novel and unobvious over Israel.

The Examiner applies Globerman to independent claim 33 for the feature that the crossties have at least one reversing bend as illustrated in Figure 16. The Globerman reference does not render claim 33 anticipated or obvious because it is lacking in the cross-sectional change feature adjacent a reversing bend. Accordingly, all of the claims are now in condition for allowance.

It should be noted that the Examiner has indicated allowability of claims 27 and 28. These claims have been amended to correct the section 112 rejections posed by the Examiner. The corrections of claims 27 and 28 has in turn made claims 5 and 17 which depend on them, respectively, also in allowable condition. Accordingly the allowance of the entire case is respectfully requested.

Respectfully submitted,



Steve Rosenblatt
Reg. No. 30,799
Duane, Morris & Heckscher, LLP
One Liberty Place
Philadelphia, PA 19103-7396
(215) 979-1280

Docket No. WJAY-12 (D5446-00011)
FEB059066.1

E



Koh
X 11/3-99

GP-3738

Please type a plus sign (+) inside this box ☒

Approved for use through 8/30/00. OMB 0851-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	08/883,801
		Filing Date	March 18, 1999
		First Named Inventor	Bandula Wijay
		Group Art Unit	3738
		Examiner Name	Choon P. Koh
Total Number of Pages in This Submission	10	Attorney Docket Number	D5446-11 (WIJAY-12)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/59) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Change of Correspondence Address TC 3700 MAIL ROOM OCT 27 1999 RECEIVED
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm or individual name: Steve Rosenblatt Duane, Morris & Heckscher, LLP Signature: Date: October 20, 1999		

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 10/20/99	
Typed or printed name:	Date: 10/20/99

Burden Hour Statement: This form is estimated to take 2-3 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

BSC-J008047

BSC-C 017181

Feb-07-00 11:17

Froz-DUANE, MORRIS, ROCKSCHER LLP

7185220104

7-318 P.02/04 F-734

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bandula-Wiljay

§

Group No.: 3738

Serial No.: 08/883,801

§

Examiner: J. Black

Filed: June 27, 1997

§

Atty. Docket: WJAY-12

Title: Flexible Stent

§

FAXED COPY RECEIVED

BOX CPA

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

FEB 7 2000

CONTINUED PROSECUTION APPLICATION (CPA)
(37 C.F.R. § 1.53(d))

1. This is a request for the filing of a continuation continued prosecution application under 37 C.F.R. 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this CPA transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date, March 18, 1999, in an envelope as "Express Mail, Post Office to Addressee", mailing label number EL265782655US addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

EL265782655US

Steve Rosenblatt

CONTINUED PROSECUTION APPLICATION

Page 1 of 3

BSC-J008048

BSC-C 017182

Feb-07-08 11:17

From-DUANE, MORRIS, WICKSCHER LLP

7135220100

T-318 P.03/04 F-734

2. With respect to the above-identified prior nonprovisional application, this continued prosecution application is being filed before termination of the proceedings of the prior application (37 C.F.R. § 1.53(d)(1)(ii)(c)). The term for response or taking action in the prior application expires on March 18, 1999. An extension of time is filed concurrently in the prior application.
3. It is noted that:
 - This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
 - Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 114 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
 - Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. § 1.53(d)(7) and 1.78(a)(2).
4. This continued prosecution application names as inventors the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.
5. A preliminary amendment will be filed after the filing receipt for this application is received.

CONTINUED PROSECUTION APPLICATION

Page 2 of 3

BSC-J008049

BSC-C 017183

Feb-07-00 11:17

From: DUANE, MORRIS, HECKSCHER LLP

7135220100

T-310 P.04/04 F-734

6. Fee Calculation

	Number Filed		Number Extra		Rate		Basic Fee (37 C.F.R. 1.16(a)) \$350
Total Claims	27	-	20	=	7	x	\$3
Independent Claims	6	-	3	=	3	x	\$39
Multiple Dependent Claims (if any)						+	\$130
Total Filing Fee							\$560

7. Enclosed is a check in the amount of \$560 for the filing fee.
8. Status as a small entity was claimed in the prior application. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.
9. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Deposit Account No. 18-2020.
- 37 CFR 1.16 (filing fees)
 - 37 CFR 1.16 (presentation of extra claims)
 - 37 CFR 1.16 (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 - 37 CFR 1.17 (application processing fees)
10. Please credit any overpayment to Deposit Account No. 18-2020.

Respectfully submitted,

FEB 7 2000

ROSENBLATT REDANO, P.C.

March 18, 1999

Steve Rosenblatt
 Registration No. 30,799
 One Greenway Plaza, Suite 500
 Houston, Texas 77046
 Houston, Texas 77057
 (713) 552-9900

*3/12/99

CONTINUED PROSECUTION APPLICATION

Page 3 of 3

BSC-J008050

BSC-C 017184



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant: Bandula Wijay

Serial No.: 08/883,801

Filed: June 27, 1997

Title: Flexible Stent

Group No.: 3738

Examiner: J. Black

Atty. Docket: WIJAY-12

MAR 25 1999

Group 3700

BOX CPA
 ASSISTANT COMMISSIONER FOR PATENTS
 WASHINGTON, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)
 (37 C.F.R. § 1.53(d))

1. This is a request for the filing of a continuation continued prosecution application under 37 C.F.R. 1.53(d) of the above-identified prior nonprovisional application.

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes., 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this CPA transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date, **March 18, 1999**, in an envelope as "Express Mail, Post Office to Addressee", mailing label number **EL265782655US** addressed to: Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

03/24/1999 CHD:RG 00000048 08883801

01 FC:231	340.00 CP
02 FC:202	117.00 CP
03 FC:203	63.00 CP

Steve Rosenblatt

CONTINUED PROSECUTION APPLICATION

Page 1 of 3

BSC-J008051

BSC-C 017185

2. With respect to the above-identified prior nonprovisional application, this continued prosecution application is being filed before termination of the proceedings of the prior application (37 C.F.R. § 1.53(d)(1)(ii)(c)). The term for response or taking action in the prior application expires on March 18, 1999. An extension of time is filed concurrently in the prior application.
3. It is noted that:
 - This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
 - Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 114 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).
 - Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. § 1.53(d)(7) and 1.78(a)(2).
4. This continued prosecution application names as inventors the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii). is being filed.
5. A preliminary amendment will be filed after the filing receipt for this application is received.

6. Fee Calculation

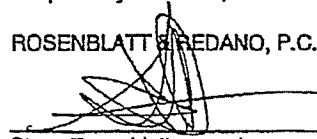
	Number Filed			Number Extra		Rate		Basic Fee (37 C.F.R. 1.16(a) \$380)
Total Claims	27	-	20	=	7	x	\$9	= \$63
Independent Claims	6	-	3	=	3	x	\$39	= \$117
Multiple Dependent Claims (if any)						+	\$130	0
Total Filing Fee								\$580

7. Enclosed is a check in the amount of \$560 for the filing fee.
8. Status as a small entity was claimed in the prior application. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.
9. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Deposit Account No. 18-2020.
- 37 CFR 1.16 (filing fees)
- 37 CFR 1.16 (presentation of extra claims)
- 37 CFR 1.16 (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR 1.17 (application processing fees)
10. Please credit any overpayment to Deposit Account No. 18-2020.

Respectfully submitted,

ROSENBLATT & REDANO, P.C.

March 18, 1999


 Steve Rosenblatt
 Registration No. 30,799
 One Greenway Plaza, Suite 500
 Houston, Texas 77046
 Houston, Texas 77057
 (713) 552-9900

w/jay12 opa. t

CONTINUED PROSECUTION APPLICATION

Page 3 of 3

BSC-J008053

BSC-C 017187



COPY

RECEIVED

MAR 25 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bandula Wijay

\$

Examiner: J. Black

Group 3700

Serial No: 08/883,801

\$

Group Art Unit: 3738

Date Filed: June 27, 1997

\$

Docket No: WIJAY-12

Title: Flexible Stent

\$

Assistant Commissioner of Patents
Washington, D. C. 20231


**PETITION AND FEE FOR EXTENSION OF TIME TO MAINTAIN
PARENT CASE THAT IS TO BE ABANDONED WHEN FILING
NEW APPLICATION CLAIMING ITS BENEFIT.**

1. This is a petition under 37 C.F.R. § 1.136(a) for an extension of time to respond to the Office Action mailed December 18, 1998.
2. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with the application.
3. Applicant is a small entity. The statement is already filed in the parent application. This status is still proper and its benefit under 37 C.F.R. § 1.28(a) is hereby claimed.
4. Application petitions for extension of time for the total of three months. If any additional extension of time is required, please consider this a petition therefor.
5. Enclosed is a check in the amount of \$435. If any additional extension and/or fee is required, charge Account No. 18-2020.

Respectfully submitted,

ROSENBLATT & REDANO, P.C.

March 18, 1999


 Steve Rosenblatt
 Reg. No. 30,799
 One Greenway Plaza, Suite 500
 Houston, TX 77046
 (713) 552-9900

BSC-J008054

BSC-C 017188



CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this paper, along with any referred to as being attached is being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to addressee" Mailing Label Number EL265782664US addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231, on March 18, 1999.


Steve Rosenblatt

wiley112 extension B

BSC-J008055

BSC-C 017189

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received,
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 *Certified copies not received: _____
☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
 A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE
 THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in
 ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).
☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses
 that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
☒ Applicant MUST submit NEW FORMAL DRAWINGS
☐ because the originally filed drawings were declared by applicant to be informal.
☒ Including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or
 to Paper No. 5.
☐ Including changes required by the proposed drawing correction filed on _____, which has been
 approved by the examiner.
☐ Including changes required by the attached Examiner's Amendment/Comment.
 Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the
 drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official
 Draftsperson.
☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.
 Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES
 CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER
 and DATE of the NOTICE OF ALLOWANCE should also be included.
 Attachment(s)
☐ Notice of References Cited, PTO-892
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152
☐ Interview Summary, PTO-413
☒ Examiner's Amendment/Comment
☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
☒ Examiner's Statement of Reasons for Allowance

Application/Control Number: 08/883,801

Page 2

Art Unit: 3738

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

Cancel non-elected claims 7 and 19.

In claim 6, line 1, remove "34" and insert --33-- in its place for correct dependency.

BSC-J008057

BSC-C 017191

Application/Control Number: 08/883,801

Page 3

Art Unit: 3738

REASONS FOR ALLOWANCE


3. The following is an examiner's statement of reasons for allowance:

None of the prior art of record teaches a stent comprising a wire member having reversing bends wherein the wire member comprises at least two cross-sectional areas identified by at least one cross-sectional change location adjacent at least one of said reversing bends or the wire member is formed having a notch wherein the cross-sectional area of the wire member changes at a notch location which is adjacent at least one of said reversing bends.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Choon P. Koh whose telephone number is (703) 305-1232.

Choon P. Koh
Choon P. Koh
November 17, 2000


David J. Isabella
Primary Examiner

BSC-J008058

BSC-C 017192

ATTACHMENT TO AND MODIFICATION OF
NOTICE OF ALLOWABILITY (PTO-37)
(November, 2000)

NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored¹:

~~A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(e).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

¹ The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

008933 RM12/1122
WILLIAM H. MURRAY
DUANE MORRIS & HECKSCHER LLP
ONE LIBERTY PLACE
PHILADELPHIA PA 19103-7396

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/893,801	06/27/97	026	KOH, C	3738 11/22/00
First Named Applicant: WIJAY,	35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION: FLEXIBLE STENT

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 WIJAY-12	623-001.150	V40	UTILITY	YES	\$620.00	02/22/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

PTOL-85 (REV. 10-98) Approved for Use through 06/30/99. (0651-0033)

*U.S. GPO: 1999-454-457/24501

BSC-J008060

BSC-C 017194

#20
LL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bandula Wijay	§	Examiner:	C. Koh
Serial No.:	08/883,801	§	Group Art Unit:	3738
Filing Date:	June 27, 1997	§	Batch No.:	V48
Title:	Flexible Stent	§	Atty. Docket:	WIJAY-12 D5446-11

Commissioner of Patents-
Washington, D.C. 20231
Attn: Official Draftsman

SUBMISSION OF FORMAL DRAWINGS

Dear Sir:

In accordance with the Notice of Allowability mailed November 22, 2000 Applicant submits four (4) sheets of formal drawings in the above-identified application.

Respectfully submitted,

January 22, 2001

Richard T. Redano
Richard T. Redano
Registration No. 32,292
Duane, Morris & Heckscher LLP
One Greenway Plaza, Suite 500
Houston, Texas 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that this correspondence, and any referred to as being attached or enclosed, is being deposited with the United States Postal Service as "Express Mail, Post Office to Addressee," Express Mail No. EL674495375US in an envelope addressed to: BOX ISSUE FEE, Assistant Commissioner for Patents, Washington, D.C. 20231, on January 22, 2001.

Tracie M. Mager

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bandula Wijay
Serial No.: 08/883,801
Filing Date: June 27, 1997
Title: Flexible Stent

Examiner: C. Koh
Group Art Unit: 3738
Batch No.: V48
Atty. Docket: WIJAY-12
DS446-11

(Circular stamp: OIPE JAN 22 2001)

TRANSMITTAL OF ISSUE FEE

BOX: ISSUE FEE
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants are hereby submitting the following items in response to the Notice of Allowance and Issue Fee Due mailed November 22, 2000.

- (1) Issue Fee Transmittal Form PTOL-85B (in duplicate);
- (2) Four (4) Sheets of Formal Drawings;
- (3) A Check in the amount \$620; and
- (4) Acknowledgment Postcard.

The Commissioner is also authorized to charge any under payment or credit any over payment to Deposit Account No. 04-1679.

Respectfully submitted,

January 22, 2001

Richard T. Redano
Richard T. Redano
Registration No. 32,292
Duane, Morris & Heckscher LLP
One Greenway Plaza, Suite 500
Houston, TX 77046
Telephone: (713) 552-9900
Facsimile: (713) 552-0109

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that this correspondence, and any referred to as being attached or enclosed, is being deposited with the United States Postal Service as "Express Mail, Post Office to Addressee," Express Mail No. EL674495375US in an envelope addressed to: BOX ISSUE FEE, Commissioner for Patents, Washington, D.C. 20231, on January 22, 2001.



Naci Dugga

6203589

1/4

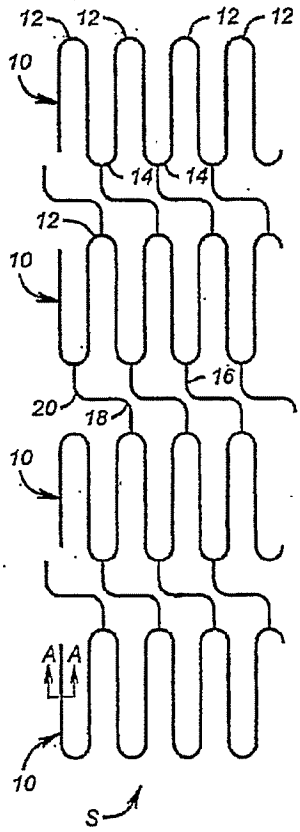


FIG. 1

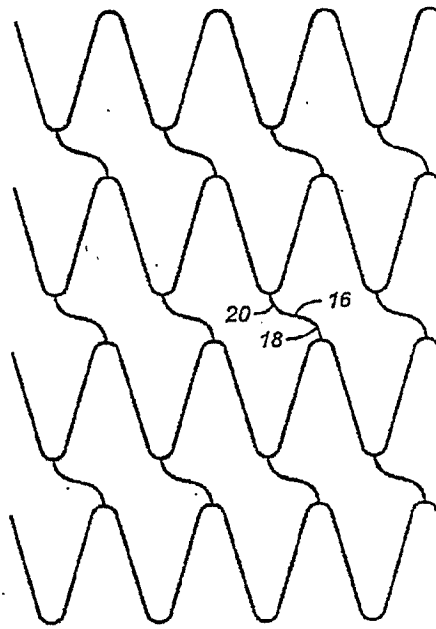


FIG. 2

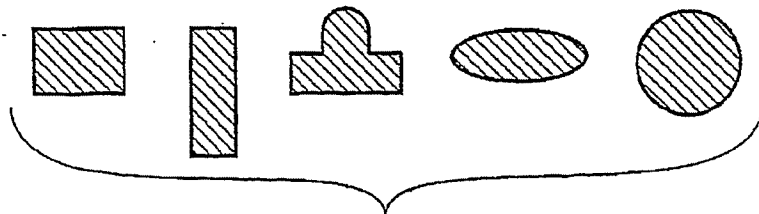


FIG. 3

BSC-J008064

BSC-C 017198

2/4

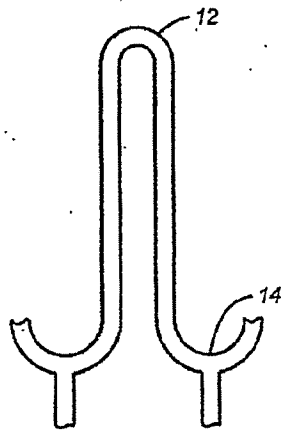


FIG. 4

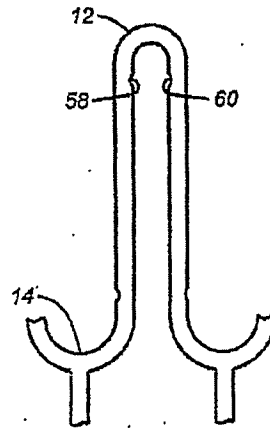


FIG. 5

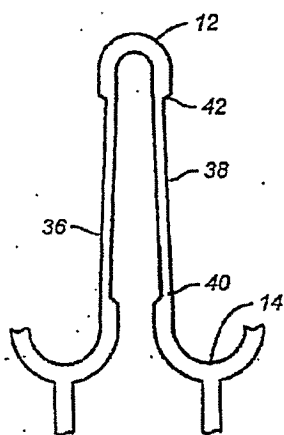


FIG. 6

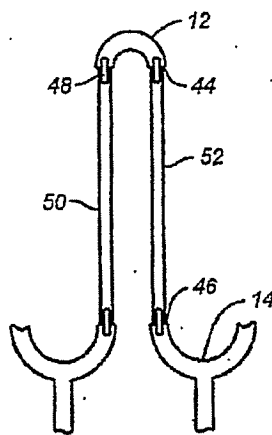


FIG. 7

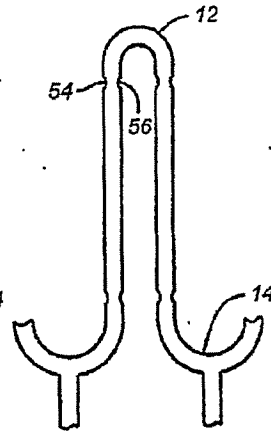


FIG. 8

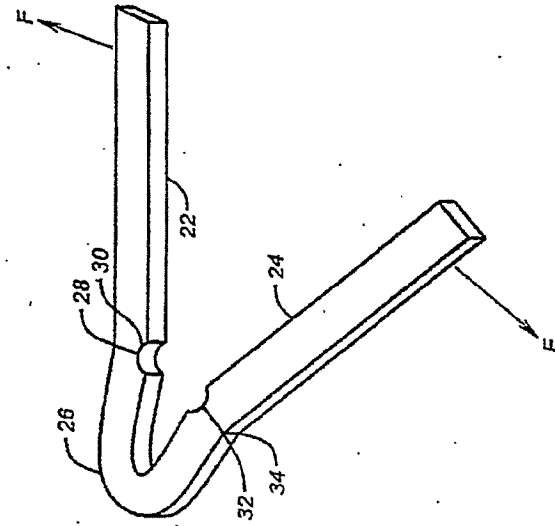


FIG. 10

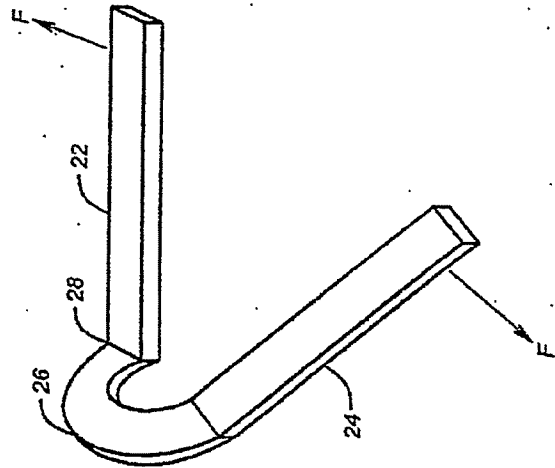


FIG. 9

4/4

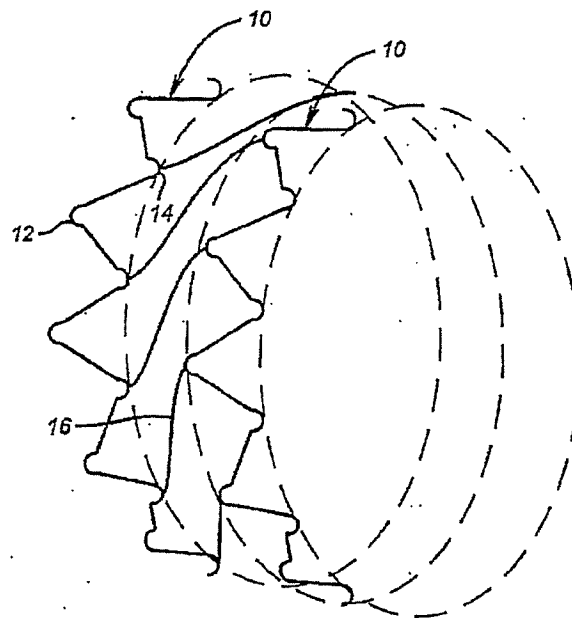


FIG. 11

BSC-J008067

BSC-C 017201

PART B—ISSUE FEE TRANSMITTAL

Complete and mail this form, together with appropriate fee, to: Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231

NOV 29 2000

01-23-01

B#

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for **REGISTERED MAIL** in an envelope addressed to the box Issue Fee address above on the date indicated below: Express Mail No.

EL674495375

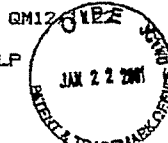
Tracie Thigpen (Depositor's name)

Tracie Thigpen (Signature)

January 22, 2001 (Date)

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly check/clear with any corrections on Block 1)

008933
WILLIAM H. MURRAY
DUANE MORRIS & HECKSCHER LLP
ONE LIBERTY PLACE
PHILADELPHIA PA 19103-7396



APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
08/883,801	06/27/97	026 KOH, C	3738	11/22/00
First Named Applicant	WIJAY, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION: FLEXIBLE STENT

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3: WIJAY-12	623-001.150	V48	UTILITY	YES	\$620.00	02/22/01

1. Change of correspondence address or indication of "Fee Address" (PTO Form 100) and Customer Number are recommended, but not required.

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/123) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 5 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 5 registered patent attorneys or agents. If no name is listed, no name will be printed.

Duane, Morris &

Heckscher LLP

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY & STATE OR COUNTRY)

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☐ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee☐ Advance Order - # of Copies

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER
(ENCLOSE AN EXTRA COPY OF THIS FORM)

☐ Issue Fee☐ Advance Order - # of Copies

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee to the application identified above.

(Authorized Signature) Richard T. Redano (Date) 1/22/01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Special Note: This form is estimated to take 0.2 hours to complete. Time will vary depending on the details of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

01/25/2001 0000152 00012001

01 FEE

620.00 CP

TRANSMIT THIS FORM WITH FEE

PTOL-888 (REV. 10-85) Approved for use through 06/30/00. OMB 0851-0033

Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

BSC-J008068

BSC-C 017202

PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 1995					Application or Docket Number 582659		
CLAIMS AS FILED - PART I							
(Column 1)		(Column 2)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
FOR*	NUMBER FILED	NUMBER EXTRA		RATE	FEE	RATE	FEE
BASIC FEE					375.00		750.00
TOTAL CLAIMS	26	minus 20 = 6		x\$11=	66	x\$22=	
INDEPENDENT CLAIMS	2	minus 3 = -		x39=		x78=	
MULTIPLE DEPENDENT CLAIM PRESENT				+125=		+250=	
* If the difference in column 1 is less than zero, enter "0" in column 2				TOTAL	441	TOTAL	
CLAIMS AS AMENDED - PART II							
(Column 1)		(Column 2)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total	26	26	=	x\$11=	x\$22=	
	Independent	4	3	=	x39=	x78=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+125=		+250=	
				TOTAL ADDIT. FEE	40	TOTAL ADDIT. FEE	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total	29	26	=	x\$11=	x\$22=	
	Independent	5	4	=	x39=	x78=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+125=		+250=	
				TOTAL ADDIT. FEE		TOTAL ADDIT. FEE	
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
	Total	29	29	=	x\$11=	x\$22=	
	Independent	7	4	=	x39=	x78=	
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+125=		+250=	
				TOTAL ADDIT. FEE	120	TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

FORM PTO-876
(Rev. 10/95)Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
33 extra p2.

BSC-J008069

BSC-C 017203

PAGE DATA ENTRY CODING SHEET										U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
										1ST EXAMINER	DATE
APPLICATION NUMBER										56	3-12-96
TOTAL CLAIMS										2	
INDEPENDENT CLAIMS										2	
SMALL ENTITY?										<input type="checkbox"/>	
FILING DATE										01/04/96	
FILING FEE										441	
FOREIGN LICENSE										<input checked="" type="checkbox"/>	
SPECIAL HANDLING										0	
GROUP ART UNIT										3301	
CLASS										128	
ATTORNEY DOCKET NUMBER										W15AY-105	
CONTINUITY DATA											
PARENT APPLICATION SERIAL NUMBER											
PCT APPLICATION SERIAL NUMBER											
PARENT PATENT NUMBER											
PARENT FILING DATE											
PCT/FOREIGN APPLICATION DATA											
PCT/FOREIGN APPLICATION SERIAL NUMBER											
FOREIGN FILING DATE											
FOREIGN PRIORITY CLAIMED											
COUNTRY CODE											

BSC-J008070

BSC-C 017204